



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

COPY MAILED

JUL 06 2005

OFFICE OF PETITIONS

In re Application of
Sun et al.

Application No. 10/630,763

Filed: July 31, 2003

For: AMINOALKYL-SUBSTITUTED ARYL COMPOUNDS AND THEIR USE AS SODIUM
CHANNEL BLOCKERS

Attorney Docket No: 1861.1460001/JMC/DAK

Pub. No.: US 2004/0116415 A1

Pub. Date: June 17, 2004

This is a decision on the request for a corrected patent application publication under
37 CFR 1.221 (b), filed on August 13, 2004 for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only
include corrections for errors made by the Office.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is
apparent from Office records." A material mistake must affect the public's ability to appreciate
the technical disclosure of the patent application publication, to determine the scope of the patent
application publication, or to determine the scope of the provisional rights that an applicant may
seek to enforce upon issuance of a patent.¹

The instant request also includes a mistake that is not the fault of the Office, which will not be
corrected by a corrected publication by the Office.

The error mentioned in claim 11 with printing "R₈" as "R₉" will not be corrected as requested by
applicant as the text of the subscript on the page is very small and in such a poor quality that the
error is due to the quality of the text. Some of the text in the application is very small, which
makes it blurry and not clear, which also makes it difficult to read and to electronically
reproduce by digital imaging and optical character recognition.

Applicants have been advised to file applications having cleaner text with sufficient clarity and
contrast to permit reproduction, such as electronic reproduction by digital imaging and optical

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000),
1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52.

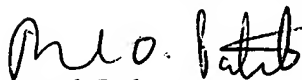
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 703-872-9306 or after July 15, 2005, 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)



Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
For Patent Examination Policy